no inference should be drawn that the Government has conceded to this.

Mr. V. K. Kochunni Menon.—This is practically an *ex parte* order. We had no opportunity of explaining the matter, when the last order was passed.

President.—We shall try. Everybody is interested in this Library. I myself have been the President of this Library for the last ten years. It is a common matter, and unless it is absolutely necessary, you must avoid discussions of such simple matters.

Dr. A. G. Menon.—We are all for that.

Mr. V. K. Kochunni Menon.—I don't press this motion

The adjournment motion was not pressed and hence it was considered withdrawn.

Bill to amend the Cochin Penal Code.

President.—The next item is the motion of the Law Member that the Bill to amend the Cochin Penal Code be taken up and passed.

Mr. A. Sankara Menon.—I beg to move that the Bill to amend the Cochin Penal Code be taken up and passed.

Mr. T. K. Krishna Menon.—I second it.

Question proposed: *That the Bill to amend the Cochin Penal Code be taken up and passed.*

Question put and agreed to.

Bill to amend the Cochin Municipal Regulation XI of 1096.

Mr. A. Sankara Menon.—I beg to move that the Bill to amend the Cochin Municipal Regulation XI of 1096 be taken up and passed.

Mr. T. K. Krishna Menon.—I second it.

Question proposed: *That the Bill to amend the Cochin Municipal Regulation XI of 1096 be taken up and passed.*

Question put and agreed to.

Bill to amend the Cochin Limitation Regulation.

President.—The next item is the presentation of the Select Committee's report by Mr. Kannan Nayar.

Mr. K. P. Kannan Nayar.—I rise to present the report of the Select Committee submitted on Limitation Regulation. I also move that the Bill as reported by them be considered by this House. The report itself is an exhaustive one. The notes on the sections as also the clauses are sufficient to make the House understand the nature of the changes recommended by the Select Committee so that I do not think that I need make any elaborate speech with reference to the several changes

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adopted. I move at once that the Bill be taken up for consideration.

President.—Who seconds?

Mr. C. A. Kunjunni Raja.—I second it.

President.—The question before the House is that the Cochin Limitation Regulation Amendment Bill as reported by the Select Committee be taken up for consideration.

Question put and agreed to.

President.—Have any amendments been received?

Mr. K. P. Kannan Nayar.—Only one amendment.

President.—This is a new clause, is it not? I suppose we have to insert it as article 121. This is not a matter in which there is any controversy.

Mr. Thomas Manjuran.—May I know when this amendment was received by the Secretary? As a matter of fact, I got notice of this amendment only when I came to the Council this morning. Unless that matter is considered we cannot say whether it is controversial or not.

President.—Is it very harmful? I think that compulsory renewal and also renewal fees are provided in the Tenancy Regulation. Every *kanom* demise has to be renewed at the expiry of the twelve years and successive renewals must take place at the end of every twelve years.

Mr. Thomas Manjuran.—What I submit is this. The Limitation Regulation Amendment Bill was the subject of an elaborate enquiry by the Select Committee of which, I believe, the Hon'ble Member for Jenmies was also a Member. This matter was not brought up before that Committee. It is a matter which affects the substantive rights of the parties. As I submitted, it may be unobjectionable, but we must have some time to consider that.

Mr. K. T. Mathew.—To admit an amendment the President has to rule that it is in order. I refer to rule 39.

President.—I think the Secretary would have done it. If it is such a controversial measure, Mr. Raja himself may not press it because there will be another opportunity.

Mr. Thomas Manjuran.—Anyhow we should have time to look into it.

President.—The clauses may be taken to be read by the President. Now I suppose we can formally put the whole thing to vote.

Mr. K. P. Kannan Nayar.—But there are some mistakes here and there which have to be corrected. There are also two substantial changes to be made in articles 165 and 166 which I shall move in the form of amendments.

President.—Now let us have the amendments put to vote.

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Mr. Thomas Manjuran.—The amendment was received in the office on the 11th of December. According to the rules, there should be 6 clear days before the sitting of the Council. Six clear days mean, according to the definition, from the day on which the amendment reached the office to the day on which the actual debate takes place. Either the Hon'ble Member shall bring the amendment in the next session, or we shall have to oppose it, because many of us have no chance of knowing where the amendment will lead to. Of course, it will be considered on another day. If you are pressing it just now, there is no other alternative than to oppose it.

President.—It can be taken up when the question of landlord and tenant comes. The House has to be divided then. How did it escape your notice when you were on the Select Committee?

Mr. V. K. Kochunni Menon.—It was I who suggested it. So, I included it to make it clearer.

President.—Is there any objection?

Mr. V. K. Kochunni Menon.—It is a question of limitation.

President.—How does it affect the right of a tenant?

Mr. Thomas Manjuran.—There is an extended period of limitation intended to be provided. How that will work is a thing which has to be considered.

President.—Every twelve years there must be a renewal. Then this renewal fees must be paid. So that, that is provided in the Regulation.

Mr. Thomas Manjuran.—How long those rights to enforce should continue, whether it is for 6 years or 12 years.

President.—Is it not 20 years?

Mr. Thomas Manjuran.—The right to sue comes once in 12 years. Supposing the 12 years are over, how long is the jenmi to wait?

Mr. V. K. Kochunni Menon.—But that has already been decided by the Chief Court to be 12 years.

Mr. Thomas Manjuran.—How exactly the amendment will affect the tenants and the various decisions of the Chief Court and matters like that will have to be analysed. If it is moved to-day, there is no alternative but to oppose it. It may be an innocent amendment. But whether it is so or not will have to be considered.

Mr. C. A. Kunjunni Raja.—The period of notice is more than sufficient. Not that I have any objection to postpone it for consideration along with the proposed Tenancy Bill. It need not be put off under this misapprehension. Even now by the decisions of the Chief Court in 15 Cochin 38 and 17 Cochin

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136 a period of 12 years is given for renewal fees alone. For a suit for compulsory renewal, there is no special provision in the Limitation Regulation. Our Regulation is simply a copy of the British Act, and there is no provision in the British Act for such suits, since there is no such act there. Hence, in the absence of a specific provision, the Chief Court has held the residuary article 110 applies and a period of six years is allowed. The anomaly is, while the suit for compulsory renewal is to be brought within 6 years, the subsidiary relief of a suit for recovery of renewal fees alone is given a period of 12 years. And the Chief Court has thrown out a suggestion for the amendment. Hitherto there was no limitation at all for renewals. All that shows that this amendment may safely be considered along with the Limitation Regulation.

President.—Do you think that you must oppose this?

Mr. Thomas Manjuran.—I think so, because we had not the opportunity to consider.

Mr. V. K. Kochunni Menon.—With the kind leave of the President this part of the amendment may be considered at the third reading even.

President.—The third reading, I do not know when it will come. Supposing I fix it for the final day, on Friday.

Mr. Thomas Manjuran.—Why not postpone it to the next session? Then this will come up. We have to go through all these. Various corrections have been made.

President.—Is there any provision for amendment at the time of passing the Bill?

Mr. Thomas Manjuran.—Only for the Government.

Mr. V. K. Kochunni Menon.—Only with the permission of the Government.

Mr. Thomas Manjuran.—There is another thing. This Limitation Regulation if now passed will have to be amended in the near future when the Civil Procedure Code is passed. The best thing would be to bring both things together.

Mr. C. A. Kunjunni Raja.—I don't move the amendment.

Hence the following amendment was considered withdrawn:—

Insert as article 120 of the First Schedule the following and number the remaining articles:—

120	For a suit for compulsory renewal or for renewal fees under Regulation II of 1090	Do	The date of the expiry of the current demise and thence forward at the end of every successive period of 12 years from such date.

Mr. K. P. Kannan Nayar.—We cannot put both things together.

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Mr. Thomas Manjuran.—Then further amendment will be necessary. There are so many corrections. A correct copy may be issued.

President.—I have noted all those.

Mr. Thomas Manjuran.—Yes. That would be an advantage.

The first 19 clauses of the Bill were put to the vote of the House and agreed to.

President.—Now clause 20.

Mr. K. P. Kannan Nayar.—I beg to move the following amendment :—

"Section 20—clause 2. After the word 'but' insert the words "subject to the provisions of the Indian Evidence Act 1872 as made applicable to Cochin by His Highness the Raja's Proclamation, dated 21st Makaram 1080".

The amendment was put and agreed to.

The clause, as amended, was put and agreed to.

President.—The other clauses may be taken as read. We come then to the first schedule. Up to article 165 all may be taken as read.

All the remaining clauses of the Bill and the articles (up to 165) in the first schedule were put and agreed to by the House.

President.—In articles 165 and 166 you have got an amendment.

Mr. K. P. Kannan Nayar.—Yes. The amendment is to insert for 'section 40' in articles 165 and 166 the words 'section 227'.

The amendment was put and agreed to.

The articles, as amended, were put and agreed to.

President.—Then the remaining articles in this schedule as well as the other one may be taken to have been read.

All the articles were put and agreed to.

President.—Then the preamble.

"Whereas it is expedient to consolidate and amend the law relating to the limitation of suits, appeals and certain applications to courts; and whereas it is also expedient to provide rules for acquiring by possession the ownership of easements and other property; it is hereby enacted as follows :—"

The preamble was put and agreed to.

Mr. K. P. Kannan Nayar.—I move that the Bill, as amended, be taken up and passed at the next sitting of this session of the Council.

Mr. M. K. Raman.—I second it.

Question put and agreed to.

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APPENDIX

THE COCHIN LIMITATION REGULATION.

A Regulation to consolidate and amend the law for the limitation of suits and for other purposes :—

Whereas it is expedient to consolidate and amend the law relating to the limitation of suits, appeals and certain applications to courts ; and whereas it is also expedient to provide rules for acquiring by possession the ownership of easements and other property ; it is hereby enacted as follows :—

PART I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Regulation may be called the Cochin Limitation Regulation of 110 .

(2) It extends to the whole of Cochin and shall come into force on

Definition.

2. In this Regulation, unless there is anything repugnant in the subject or context, :—

(1) " applicant" includes any person from or through whom an applicant derives his right to apply ;

(2) "bill of exchange" includes a hundi and a cheque ;

(3) "bond" includes any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be;

(4) "defendant" includes any person from or through whom a defendant derives his liability to be sued;

(5) an "easement" is a right, which the owner or occupier of certain land possesses as such for the beneficial enjoyment of that land, to do and continue to do something or to prevent and continue to prevent something being done, in or upon, or in respect of, certain other land not his own.

The land for the beneficial enjoyment of which the right exists is called the "dominant heritage" and the owner or occupier thereof, the dominant owner, the land on which the liability is imposed is called the servient heritage, and the owner or occupier thereof, the servient owner.

Explanation .—In the two preceding clauses the expression land includes also things permanently attached to the earth. The expression beneficial enjoyment includes also possible convenience, remote advantage, and even a mere amenity; and the expression to do something includes removal and appropriation by the dominant owner, for the beneficial enjoyment of the dominant heritage of any part of the soil of the servient heritage, or anything growing or subsisting thereon.

Illustrations:—(a) *A*, as the owner of a certain house has a right of way thither over his neighbour *B*'s land for purposes connected with his beneficial enjoyment of the house; this is an easement.

(b) *A*, as the owner of a certain house has the right to go on his neighbour *B*'s land and to take water for the purposes of his household, out of a spring therein; this is an easement.

(c) *A*, as the owner of a certain house has the right to conduct water from *B*'s stream to supply the fountains in the garden attached to the house. This is an easement.

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(d) *A*, as the owner of a certain house and farm has the right to graze a certain number of his own cattle on *B*'s field or to take, for the purpose of being used in the house by himself, his family, guests lodgers and servants water or fish out of *C*'s tank or timber out of *D*'s woods, or to use for the purpose of manuring his land, the leaves which have fallen from the trees on *E*'s land. These are easements.

(e) *A* dedicates to the public the right to occupy the surface of certain land for the purpose of passing and repassing. This right is not an easement.

(f) *A* is bound to cleanse a water course running through his land and keep it free from obstruction for the benefit of *B*, a lower riparian owner. This is not an easement.

(6) "foreign country" means any country other than Cochin;

(7) "good faith", nothing shall be deemed to be done in good faith which is not done with due care and attention;

(8) "plaintiff" includes any person from or through whom a plaintiff derives his right to sue;

(9) "promissory note" means any instrument whereby the maker engages absolutely to pay a specified sum of money to another at a time therein limited, or on demand or at sight;

(10) "suit" does not include an appeal or an application; and

(11) "trustee" does not include a benamidar a mortgagee remaining in possession after the mortgage has been satisfied or a wrong-doer in possession without title.

PART II.

LIMITATION OF SUITS, APPEALS AND APPLICATIONS.

Dismissal of suit, etc., instituted, &c. after period of limitation.

3. Subject to the provisions contained in sections 4 to 26 (inclusive), every suit instituted, appeal preferred, and application made after the period of limitation prescribed therefor by the first schedule shall be dismissed, although limitation has not been set up as a defence.

Explanation.—A suit is instituted in ordinary cases, when the plaint is presented to the proper officer; in the case of a pauper, when his application for leave to sue as a pauper is made; and in the case of a claim against a company which is being wound up by the court, when the claimant first sends in his claim to the Official Liquidator.

Where court is closed when period expires.

4. Where the period of limitation prescribed for any suit, appeal or application expires on a day when the court is closed the suit, appeal or application may be instituted, preferred or made on the day that the court re-opens.

Extension of period in certain cases.

5. Any appeal or application for a review of judgment or for leave to appeal or any other application to which this section may be made applicable for the time being in force may be admitted after the period of limitation prescribed therefor, when the appellant or applicant satisfies the court that he had sufficient cause for not preferring the appeal or making the application within such period.

Explanation.—The fact that the appellant or applicant was misled by any order, practice or judgment of the Chief Court in ascertaining or computing the prescribed period of limitation may be sufficient cause within the meaning of this section.

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Legal disability.

6. (1) Where a person entitled to institute a suit or make an application for the execution of a decree is, at the time from which the period of limitation is to be reckoned, a minor, or insane, or an idiot, he may institute the suit or make the application within the same period after the disability has ceased, as would otherwise have been allowed from the time prescribed therefor in the third column of the first schedule.

(2) Where such person is, at the time from which the period of limitation is to be reckoned, affected by two such disabilities, or where, before his disability has ceased, he is affected by another disability he may institute the suit or make the application within the same period, after both disabilities have ceased, as would otherwise have been allowed from the time so prescribed.

(3) Where the disability continues up to the death of such person, his legal representative may institute the suit or make the application within the same period after the death as would otherwise have been allowed from the time so prescribed.

(4) Where such representative is at the date of the death affected by any such disability, the rules contained in sub-sections (1) and (2) shall apply.

Illustrations.—(a) The right to sue for the hire of a boat accrues to A during his minority. He attains majority four years after such accruer. He may institute his suit at any time within three years from the date of his attaining majority.

(b) A right to sue accrues to Z during his minority. After the accruer, but while Z is still a minor, he becomes insane. Time runs against Z from the date when his insanity and minority cease.

(c) A right to sue accrues to X during his minority. X dies before attaining majority, and is succeeded by Y, his minor son. Time runs against Y from the the date of his attaining majority.

Suspension of limitation during representative's disability.

7. Where the disability to sue or to make an application for the execution of a decree begins after the time has begun to run, but before the expiration of the prescribed period, or where the person entitled to sue or to make an application for the execution of a decree dies after the time has begun to run, but before its expiration and his legal representative is at the date of the death, affected by any disability, the running of the time shall be suspended while the disability continues.

Disability of one of several plaintiffs or applicants.

8. Where one of several persons jointly entitled to institute a suit or make an application for the execution of a decree is under any such disability, and a discharge can be given without the concurrence of such person, time will run against them all; but, where no such discharge can be given, time will not run as against any of them until one of them becomes capable of giving such discharge without the concurrence of the others or until the disability has ceased.

Illustrations.—(a) A incurs a debt to a firm of which B, C and D are partners. B is insane and C is a minor. D can give a discharge of the debt without the concurrence of B and C. Time runs against B, C and D.

(b) A incurs a debt to a firm of which E, F and G are partners. E and F are insane and G is a minor. Time will not run against any of them until either E or F becomes sane or G attains majority.

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9. Nothing in sections 6, 7 and 8 applies to suits to enforce rights of pre-emption or shall be deemed to extend, for more than three years from the cessation of the disability or the death of the person affected thereby, the period within which any suit must be instituted or application made.

Special exception.

Illustrations.—(a) A, to whom a right to sue for a legacy has accrued during his minority, attains majority eleven years after such accruer. A has under the ordinary law, only one year remaining within which to sue. But under section 6 and this section an extension of two years will be allowed him, making in all a period of three years from the date of his attaining majority, within which he may bring his suit.

(b) A right to sue for an hereditary office accrues to A who at the time is insane. Six years after the accruer, A recovers his reason. A has six years, under the ordinary law, from the date when his insanity ceased within which to institute a suit. No extension of time will be given him under section 6 read with this section.

(c) A right to sue as landlord to recover possession from a tenant accrues to A who is an idiot. A dies three years after the accruer, his idiocy continuing up to the date of his death. A's representative in interest has, under the ordinary law, nine years from the date of A's death within which to bring a suit. Section 6 read with this section does not extend that time, except where the representative is himself under disability when the representation devolves upon him.

10. Where letters of administration to the estate of a creditor have been granted to his debtor, the running of the time prescribed for a suit to recover the debt shall be suspended while the administration continues.

Special exception.

11. Notwithstanding anything herein before contained, no suit against a person in whom property has become vested in trust for any specific purpose, or against his legal representatives or assigns (not being assigns for valuable consideration), for the purpose of following in his or their hands such property or the proceeds thereof, or for an account of such property or proceeds, shall be barred by any length of time.

Suits against express trustees and their representatives.

12. Suits instituted in Cochin on contracts entered into in a foreign country are subject to the rules prescribed by this Regulation.

Suits on foreign contracts.

No foreign rule of limitation shall be a defence to a suit instituted in Cochin on a contract entered into in a foreign country, unless the rule has extinguished the contract, and the parties were domiciled in such country during the period prescribed by such rule.

Foreign Limitation Law.

PART III.

COMPUTATION OF PERIOD OF LIMITATION.

13, (1) In computing the period of limitation prescribed for any suit appeal or application, the day from which such period is to be reckoned shall be excluded.

Exclusion of time in legal proceedings.

(2) In computing the period of limitation prescribed for an appeal, an application for leave to appeal and an application for a review of judgment, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree, sentence or order appealed from or sought to be reviewed, shall be excluded.

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(3) Where a decree is appealed from or sought to be reviewed, the time requisite for obtaining a copy of the judgment on which it is founded shall also be excluded.

(4) In computing the period of limitation prescribed for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.

(5) In computing the period of limitation prescribed for an appeal the time during which an application for review of judgment presented before the expiration of the time allowed for appeal was pending, shall also be excluded. The day on which the application for review was presented and the day on which it was disposed of shall be taken as part of such time.

Exclusion of time of defendant's absence from India.

14. In computing the period of limitation prescribed for any suit, the time during which the defendant has been absent from India shall be excluded.

If there are more persons than one liable to the plaintiff's claim and some of them reside in India, the provisions of the first part of this section shall not apply to persons residing in India; but any decree or judgment obtained against them shall not debar the plaintiff from suing, on the same cause of action, the persons who were absent from India, on their return to India.

Exclusion of time of proceeding *bona fide* in court without jurisdiction.

15. (1) In computing the period of limitation prescribed for any suit, the time during which the plaintiff has been prosecuting with due diligence another civil proceeding whether in a court of first instance or in a court of appeal, against the defendant, shall be excluded, where the proceeding is founded upon the same cause of action and is prosecuted in good faith in a court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

(2) In computing the period of limitation prescribed for any application, the time during which the applicant has been prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the same party for the same relief shall be excluded, where such proceeding is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

Explanation I.—In excluding the time during which a former suit or application was pending, the day on which that suit or application was instituted or made and the day on which the proceedings therein ended, shall both be counted.

Explanation II.—For the purposes of this section, a plaintiff or an applicant resisting an appeal shall be deemed to be prosecuting a proceeding.

Explanation III.—For the purposes of this section, misjoinder of parties or of causes of action shall be deemed to be a cause of like nature with defect of jurisdiction.

Exclusion of time during which proceedings are suspended.

16. (1) In computing the period of limitation prescribed for any suit or application for the execution of a decree, the institution or execution of which has been stayed by injunction or order, the time of the continuance of the injunction or order, the day on which it was issued or made, and the day on which it was withdrawn, shall be excluded.

(2) In computing the period of limitation prescribed for any suit of which notice has been given in accordance with the requirements of any enactment for the time being in force, the period of such notice shall be excluded.

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17. In computing the period of limitation prescribed for a suit or for any application for possession by a purchaser at a sale in execution of a decree, the time during which the judgment-debtor or any other person interested in the property has been prosecuting a proceeding to set aside the sale, shall be excluded.

Exclusion of time during which judgment-debtor, etc., is attempting to set aside execution sale.

19. (1) Where a person who would, if he were living, have a right to institute a suit or make an application, dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased capable of instituting or making such suit or application.

Effect of death before right to sue accrues.

(2) Where a person against whom, if he were living, a right to institute a suit or make an application would have accrued dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased against whom the plaintiff may institute or make such suit or application.

(3) Where the right to sue or to make an application had already accrued before the death of the person to or against whom such right accrued, the interval between the day of his death and the day on which the legal representative comes into existence shall be excluded from the computation of the period of limitation prescribed by this Regulation.

(4) Nothing in sub-sections 1, 2 and 3 applies to suits to enforce rights of pre-emption or to suits for the possession of immovable property or of an hereditary office.

Illustrations.—*A*, the head of a mutt or a monastery dies on the 1st Medam 1095. The amount of a bond executed by *B* to *A* as the head of the institution falls due on the 15th Medam 1095. According to the rules of the institution, *C* was elected or appointed successor of *A* on the 30th Thulam 1096. The limitation prescribed for the suit on the bond shall begin to run from the day following the 30th Thulam 1096.

19. Where any person having a right to institute a suit or make an application has, by means of fraud, been kept from the knowledge of such right or of the title on which it is founded, or where any document necessary to establish such right has been fraudulently concealed from him,

Effect of fraud.

the time limited for instituting a suit or making an application—

(a) against the person guilty of the fraud or accessory thereto, or

(b) against any person claiming through him otherwise than in good faith and for a valuable consideration,

shall be computed from the time when the fraud first became known to the person injuriously affected thereby, or in the case of concealed document, when he first had the means of producing it or compelling its production.

20. (1) Where, before the expiration of the period prescribed for a suit or application in respect of any property or right, an acknowledgment of liability in respect of such property or right has been made in writing signed by the party against whom such property or right is claimed, or by some person through whom he derives title or liability, or by some person who is, either by operation of law or by contract, entrusted with the general management of the affairs of a family, in so far as such acknowledgment relates to transactions binding on such family, a fresh period of limitation shall be computed from the time when the acknowledgment was so signed.

Effect of acknowledgment in writing.

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(2) Where the writing containing the acknowledgment is undated, oral evidence may be given of the time when it was signed; but oral evidence of its contents shall not be received.

Explanation I.—For the purposes of this section, an acknowledgment may be sufficient though it omits to specify the exact nature of the property or right, or avers that the time for payment, delivery, performance or enjoyment has not yet come, or is accompanied by a refusal to pay, deliver, perform, or permit to enjoy, or is coupled with a claim to a set off, or is addressed to a person other than the person entitled to the property or right.

Explanation II.—For the purposes of this section, "signed" means signed either personally or by an agent duly authorised in this behalf.

Explanation III.—The Karanavan of a Malabar tarwad and the Manager of an undivided Hindu family come within the words "or by some person who is, either by operation of law or by contract, entrusted with the general management of the affairs of a family" in sub-section (1).

Explanation IV.—For the purposes of this section, an application for the execution of a decree or order is an application in respect of a right.

Effect of payment of interest or part payment of principal.

21. Where interest on a debt or legacy or where part of a debt or legacy, is, before the expiration of the prescribed period, paid as such by the person liable to pay the debt or legacy or by his agent duly authorised in this behalf, and where the fact of such payment appears in writing signed by the person making the same, a fresh period of limitation according to the nature of the original liability shall be computed from the time when the payment was made.

Effect of receipt of produce of mortgaged land.

Where mortgaged land is in the possession of the mortgagee, the receipt of the rent or of the produce of such land shall be deemed to be a payment for the purpose of this section.

Explanation.—Debt includes money payable under a decree or order of Court.

Agent of person under disability.

22. (1) The expression "agent duly authorised in this behalf," in sections 20 and 21, shall in the case of a person under disability, include his lawful guardian, committee or manager, or an agent duly authorised by such guardian, committee or manager to sign the acknowledgment or make the payment.

Acknowledgment of payment by one of several joint contractors, etc.

(2) Nothing in the said sections renders one of several joint contractors, partners, executors or mortgagees chargeable by reason only of a written acknowledgment signed or of a payment made by, or by the agent of, any other or others of them.

(3) For the purposes of the said sections—

(a) an acknowledgment signed or a payment made, in respect of any liability, by, or by the duly authorised agent of, any widow or other limited owner of property who is governed by the Hindu Law, shall be a valid acknowledgment or payment, as the case may be, as against a reversioner succeeding to such liability; and

(b) where a liability has been incurred by, or on behalf of, a Hindu undivided family as such, an acknowledgment or payment made by or by the duly authorised agent of, the manager of the family for the time being shall be deemed to have been made on behalf of the whole family.

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23. (1) Where after the institution of a suit, a new plaintiff or defendant is substituted or added, the suit shall, as regards him, be deemed to have been instituted when he was so made a party.

Effect of substituting or adding new plaintiff or defendant.

(2) Nothing in sub-section (1) shall apply to a case where a party is added or substituted owing to an assignment or devolution of any interest during the pendency of a suit or where a plaintiff is made a defendant or a defendant is made a plaintiff.

24. In the case of a continuing breach of contract and in the case of continuing wrong independent of contract, a fresh period of limitation begins to run at every moment of the time during which the breach or the wrong, as the case may be, continues.

Continuing breaches and wrongs.

25. In the case of a suit for compensation for an act which does not give rise to a cause of action unless some specific injury actually results therefrom, the period of limitation shall be computed from the time when the injury results.

Suit for compensation for act not actionable without special damage.

Illustration.—A owns the surface of a field. B owns the subsoil. B digs coal thereout without causing any immediate apparent injury to the surface, but at last the surface subsides. The period of limitation in the case of a suit by A against B runs from the time of the subsidence.

26. All instruments shall for the purposes of this Regulation be deemed to be made with reference to the Cochin Sirkar Calendar.

Computation of time mentioned in instruments.

PART IV.

ACQUISITION OF OWNERSHIP BY POSSESSION.

27. Where the access and use of light or air to and for any building have been peaceably enjoyed therewith as an easement, without interruption, and for twenty years,

Acquisition of right to easements.

and where support from one person's land or things affixed thereto has been peaceably received by another person's land subjected to artificial pressure, or by things affixed thereto, as an easement, without interruption and for twenty years,

and where a right of way or any other easement has been peaceably and openly enjoyed by any person claiming title thereto sa an easement, and as of right, without interruption and for twenty years,

the right to such access and use of light or air,

support or other easement shall be absolute.

Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.

Explanation I.—Nothing is an enjoyment within the meaning of this section when it has been had in pursuance of an agreement with the owner or occupier of the property over which the right is claimed and it is apparent from the agreement that such right has not been granted as an easement, or if granted as an easement, that it has been granted for a limited period or subject to a condition on the fulfilment of which it is to cease.

Explanation II.—Notbing is an interruption within the meaning of this section unless where there is an actual cessation of the enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to, or acquiesced in, for one year after the

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claimant has notice thereof and of the person making or authorising the same to be made.

Explanation III.—Suspension of enjoyment in pursuance of a contract between the dominant and servient owners is not an interruption within the meaning of this section.

Explanation IV.—In the case of an easement to pollute water, the said period of twenty years begins when the pollution first prejudices perceptibly the servient heritage.

Where the property over which a right is claimed under this section belongs to the Sirkar, this section shall be read as if for the words "twenty years" the words "sixty years" were substituted.

Illustrations.—(a) A suit is brought in 1068 for obstructing a right of way. The defendant admits the obstruction, but denies the right of way. The plaintiff proves that the right was peaceably and openly enjoyed by him claiming title thereto as an easement and as of right, without interruption from the 1st Chingam 1047, to 1st Chingam 1067. The plaintiff is entitled to judgment.

(b) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that for a year of that time the plaintiff was entitled to possession of the servient heritage as lessee thereof and enjoyed the right as such lessee.

The suit shall be dismissed, for the right of way has not been enjoyed as an easement for twenty years.

(c) In a like suit, the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff, on one occasion during the twenty years, had admitted that the user was not of right and asked his leave to enjoy the right. The suit shall be dismissed, for the right of way has not been enjoyed "as of right" for twenty years.

Exclusion in favour of reversioner of servient tenement.

28. Where any land or water upon, over or from which any easement has been enjoyed or derived has been held under or by virtue of any interest for life or any term of years exceeding three years from the granting thereof, the time of the enjoyment of such easement during the continuance of such interest or term shall be excluded in the computation of the period of twenty years in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled on such determination to the said land or water.

Illustration.—A sues for a declaration that he is entitled to a right of way over B's land. A proves that he has enjoyed the right for twenty-five years; but B shows that during ten of these years C, a Hindu widow, had a life interest in the land, that on C's death B became entitled to the land, and that within two years after C's death he contested A's claim to the right. The suit must be dismissed, as A, with reference to the provisions of this section, has only proved enjoyment for fifteen years.

Extinguishment of right to property.

29. At the determination of the period hereby limited to any person for instituting a suit for possession of any property, his right to such property shall be extinguished.

PART V.

SAVINGS AND REPEALS.

Savings.

30. (1) Nothing in this Regulation shall affect section 25 of the Indian Contract Act as brought into force in Cochin by H. H. the Maharaja's Proclamation dated 30th Karkadagam 1083.

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(2) Where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed therefor by the first schedule the provisions of section 3 shall apply, as if such period were prescribed therefor in that schedule and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law—

(a) the provisions contained in section 4, sections 10 to 19 and section 23 shall apply only in so far as and to the extent to which, they are not expressly excluded by such special or local law; and

(b) the remaining provisions of this Regulation shall not apply.

Provisions for suits for which the period prescribed is shorter than that prescribed by the Cochin Limitation Regulation II of 1079

31. Notwithstanding anything herein contained, any suit for which the period of limitation prescribed by this Regulation is shorter than the period of limitation prescribed by the Cochin Limitation Regulation II of 1079, may be instituted within the period of two years next after the passing of this Regulation, or within the period prescribed for such suit by the Cochin Limitation Regulation II of 1079, whichever period expires first.

32. The enactments mentioned in the second schedule are repealed to the extent specified in the fourth column thereof.

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THE FIRST SCHEDULE.
First Division : Suits.

Description of suits	Period of limitation	Time from which period begins to run
	Part I Ninety days	
1. For compensation for doing or for omitting to do an act alleged to be in pursuance of any enactment in force for the time being in Cochin.	Ninety days	When the act or omission takes place
	Part II Six months	
2. Under the Cochin Specific Relief Regulation IV of 1097, Section 9 to recover possession of immovable property.	Six months	When the dispossession occurs.
	Part III One year	
3. Upon a Royal Proclamation, Regulation or Bye-law for a penalty or forfeiture.	do	When the penalty or forfeiture is incurred.
4. For the wages of a household servant, artisan or labourer.	do	When the wages accrue due.
5. For the price of food or drink sold by the keeper of a hotel, tavern or lodging house.	do	When the food or drink is delivered.
6. For the price of lodging.	do	When the price becomes payable.
7. To enforce a right of pre-emption, whether the right is founded on law, or general usage, or on special contract.	do	When the purchaser takes, under the sale sought to be impeached physical possession of the whole of the property sold, or where the subject of the sale does not admit of physical possession, when the instrument of sale is registered.

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Description of suits	Period of limitation	Time from which period begins to run
	Part III One year do	 The date of the order.
8. By a person against whom any of the following orders has been made to establish the right which he claims to the property comprised in the order :— (1) Order, under the Code of Civil Procedure, on a claim preferred to or an objection made to the attachment of property attached before judgment or in execution of a decree. (2) Order under the Code of Civil Procedure, upon an application by the holder of a decree for the possession of immovable property or by the purchaser of such property sold in execution of a decree, complaining of resistence or obstruction to the delivery of possession thereof, or upon an application by any person dispossessed of such property in the delivery of possession thereof to the decree-holder or purchaser, to establish the right which he claims to the present possession of the property comprised in the order.		
9. To set aside any of the following sales :— (a) Sale in execution of a decree of a Civil Court; (b) Sale for arrears of Sirkar revenue or for any demand recoverable as such arrears.	do	When the sale is confirmed, or would otherwise have become final and conclusive, had no such suit been brought.

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Description of suits	Period of limitation	Time from which period begins to run
10. To alter or set aside a decision or order of a Civil Court in any proceeding other than a suit.	One year	The date of the final decision or order in the case by a Court competent to determine it finally.
11. To set aside any act or order of an Officer of Sirkar in his official capacity, not herein otherwise expressly provided for.	do	The date of the act or order.
12. Against Sirkar to set aside any attachment, lease or transfer of immovable property by the revenue authorities for arrears of Sirkar revenue.	do	When the attachment, lease or transfer in made
13. Against Sirkar to recover money paid under protest in satisfaction of a claim made by the revenue authorities on account of arrears of revenue, or on account of demands recoverable as such arrears.	do	When the payment is made.
14. For compensation for false imprisonment.	do	When the imprisonment ends.
15. For compensation for any other injury to the person.	do	When the injury is committed.
16. For compensation for malicious prosecution.	do	When the plaintiff is acquitted, or the prosecution is otherwise terminated.
17. For compensation for libel.	do	When the libel is published.

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Description of suits	Period of limitation	Time from which period begins to run
18. For compensation for slander.	One year	When the words are spoken, or if the words are not actionable in themselves when the special damage complained of results.
19. For compensation for loss of service occasioned by the seduction of the plaintiff's servant or daughter.	do	When the loss occurs.
20. For compensation for inducing a person to break a contract with the plaintiff.	do	The date of the breach.
21. For compensation for an illegal, irregular or excessive distress.	do	The date of the distress.
22. For compensation for wrongful seizure of movable property under legal process	do	The date of seizure.
23. Against a carrier for compensation for losing or injuring goods.	do	When the loss or injury occurs.
24. Against a carrier for compensation for non-delivery of, or delay in delivering goods.	do	When the goods ought to delivered.
	Part IV	
25. Against one who, having a right to use property for specific purposes, perverts it to other purposes.	Two years	When the perversion first becomes known to the person injured thereby.
26. For compensation for any malfeasance, misfeasance or non-feasance independent of contract and not herein specially provided for.	do	When the malfeasance, misfeasance or non-feasance takes place.

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Description of suits.	Period of limitation	Time from which period begins to run.
	Part V	
27. For compensation for obstructing a way or a water-course.	Three years	The date of the obstruction.
28. For compensation for diverting a water-course.	do	The date of the diversion.
29. For compensation for trespass upon immovable property.	do	The date of the trespass.
30. For compensation for infringing copy right or any other exclusive privilege.	do	The date of the infringement.
31. To restrain waste.	do	When the waste begins.
32. For compensation for injury caused by an injunction wrongfully obtained.	do	When the injunction ceases.
33. To compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets under the law for the time being in force relating to Probate and Administration.	do	The date of the payment or distribution.
34. By a ward who has attained majority, to set aside a transfer of property by his guardian.	do	When the ward attains majority.
35. By any person bound by an order respecting the possession of immovable property made under the Code of Criminal Procedure or by any one claiming under such person, to recover the property comprised in such order.	do	The date of the final order in the case.

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Description of suits	Period of limitation	Time from which period begins to run.
	Part V Three years	
36. For specific movable property lost or acquired by theft, or dishonest mis-appropriation or conversion, or for compensation for wrongfully taking or detaining the same.	do	When the person having the right to the possession of the property first learns in whose possession it is.
37. For other specific movable property or for compensation for wrongfully taking or injuring or wrongfully detaining the same.	do	When the property is wrongfully taken or injured, or when the detainers' possession becomes unlawful.
38. For the hire of animals, vehicles, boats, or household furniture.	do	When the hire becomes payable.
39. For the balance of money advanced in payment of goods to be delivered.	do	When the goods ought to be delivered
40. For the price of goods sold and delivered, where no fixed period of credit is agreed upon.	do	The date of the delivery of the goods.
41. For the price of goods sold and delivered to be paid for after the expiry of a fixed period of credit.	do	When the period of credit expires.
42. For the price of goods sold and delivered to be paid for by a bill of exchange no such bill being given.	do	When the period of the proposed bill elapses.
43. For the price of trees or growing crops sold by the plaintiff to the defendant where no fixed period of credit is agreed upon.	do	The date of the sale.

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Description suits	Period of limitation	Time from which period begins to run
44. For the price of work done by the plaintiff for the defendant at his request, where no time has been fixed for payment.	Three years	When the work is done.
45. For money payable for money lent.	do	When the loan is made.
46. Like suit when the lender has given a cheque for the money.	do	When the cheque is paid.
47. For money lent under an agreement that it shall be payable on demand.	do	When the loan is made.
48. For money deposited under an agreement that it shall be payable on demand, including money of a customer in the hands of his banker so payable.	do	When the demand is made.
49. For money payable to the plaintiff for money paid for the defendant.	do	When the money is paid.
50. For money payable by the defendant to the plaintiff for money received by the defendant for the plaintiff's use.	do	When the money is received.
51. For money payable for interest upon money due from the defendant to the plaintiff.	do	When the interest becomes due.

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Description of suits	Period of limitation	Time from which period begins to run
52. For money payable to the plaintiff for money found to be due from the defendant to the plaintiff on accounts stated between them.	Three years	When the accounts are stated in writing signed by the defendant or his agent duly authorised in this behalf, unless where the debt is by a simultaneous agreement in writing signed as aforesaid, made payable at a future time, and then when that time arrives. *Explanation.*—The words 'agent duly authorised in this behalf' shall include the Karanavan of a Malabar Tarwad and the Manager of an undivided Hindu family, where the accounts stated relate to the tarwad or family transactions.
53. For compensation for breach of a promise to do anything at a specified time, or upon the happening of a specified contingency.	do	When the time specified arrives or the contingency happens.
54. On a single bond, where a day is specified for payment.	do	The day so specified.
55. On a single bond, where no such day is specified.	do	The date of executing the bond.
56. On a bond subject to a condition.	do	When the condition is broken.
57. On a bill of exchange or promissory note payable at a fixed time after date.	do	When the bill or note falls due.
58. On a bill of exchange payable at sight or after sight, but not at a fixed time.	do	When the bill is presented.
59. On a bill of exchange accepted payable at a particular place.	do	When the bill is presented at that place.
60. On a bill of exchange or promissory note payable at a fixed time after sight or after demand.	do	When the fixed time expires.

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Description of suits	Period of limitation	Time from which period begins to run
61. On a bill of exchange or promissory note payable on demand and not accompanied by any writing restraining or postponing the right to sue.	Three years	The date of the bill or note.
62. On a promissory note or bond payable by instalments.	do	The expiration of the first term of payment, as to the part then payable; and, for the other parts, the expiration of the respective terms of payment.
63. On a promissory note or bond payable by instalments, which provides that, if default be made in payment of one or more instalments, the whole shall be due.	do	Same as above; but where after the default and on or before the date on which the last instalment is due the payee, or obligee makes a demand in writing for the payment of the whole and has not, thereafter, waived in writing his right to such payment, then from the date of such demand.
64. On a promissory note given by the maker to a third person to be delivered to the payee after a certain event should happen.	do	The date of the delivery to the payee.
65. On a dishonoured foreign bill, where protest has been made and notice given.	do	When the notice is given.
66. By the payee against the drawer of a bill of exchange which has been dishonoured by non-acceptance.	do	The date of the refusal to accept.

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Description of suits	Period of limitation	Time from which period begins to run
67. By the acceptor of an accommodation bill against the drawer.	Three years	When the acceptor pays the amount of the bill.
68. Suit on a bill of exchange, promissory note or bond not herein expressly provided for.	do	When the bill, note or bond becomes payable.
69. By a surety against the principal debtor.	do	When the surety pays the creditor.
70. By a surety against a co-surety.	do	When the surety pays anything in excess of his own share.
71. Upon any other contract to indemnify.	do	When the plaintiff is actually damnified.
72. By an attorney or vakil for his costs of a suit or a particular business, there being no express agreement as to the time when such costs are to be paid.	do	The date of the termination of the suit or business, or (where the attorney or vakil properly discontinues the suit or business) the date of such discontinuance.
73. For the balance due on a mutual, open and current account, where there have been reciprocal demands between the parties.	do	item admitted or proved is entered in the accounts; such year to be computed as in the account.
74. On a policy of insurance, when the sum assured is payable immediately after proof of the death or loss has been given to or received by the insurers.	do	When proof of the death or loss is given to or received by the insurers, whether by or from the plaintiff, or any other person.
75. By the accused to recover premia paid nnder a policy voidable at the election of the insurers.	do	When the insurers elect to avoid the policy.

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Description of suits	Period of limitation	Time from which period begins to run
76. Against a factor for an account.	Three years	When the account is during the continuance of the agency, demanded and refused or where no such demand is made, when the agency terminates
77. By a principal against his agent for moveable property received by the latter and not accounted for	do	When the account is during the continuance of the agency, demanded and refused, or where no such demand is made, when the agency terminates
78. Other suits by principals against agents for neglect or misconduct	do	When the neglect or misconduct becomes known to the plaintiff
79. To cancel or set aside an instrument not otherwise provided for	do	When the facts entitling the plaintiff to have the instrument cancelled or set aside become known to him
80. To declare the forgery of an instrument issued or registered	do	When the issue or registration becomes known to the plaintiff
81. To declare the forgery of an instrument attempted to be enforced against the plaintiff	do	The date of the attempt
82. For property which the plaintiff has conveyed while insane	do	When the plaintiff is restored to sanity and has knowledge of the conveyance
83. To set aside a decree obtained by fraud or for other relief on the ground of fraud	do	When the fraud becomes known to the party wronged

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Description of suits	Period of limitation	Time from which period begins to run
84. For relief on the ground of mistake	Three years	When the mistake becomes known to the plaintiff
85. For money paid up on an existing consideration which afterwards fails	do	The date of the failure
86. To make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust	do	The date of the trustee's death, or, if the loss has not then resulted, the date of the loss
87. For contribution by a party who has paid the whole or more than his share of the amount due under a joint decree, or by a sharer in a joint estate who has paid the whole or more than his share of the amount of revenue due from himself and his co-sharers	do	The date of the payment in excess of the plaintiff's own share
88. By a co-trustee to enforce against the estate of a deceased trustee a claim for contribution	do	When the right to contribution accrues
89. For a seaman's wages	do	The end of the voyage during which the wages are earned
90. For wages not otherwise expressly provided for by this schedule	do	When the wages accrue due
91. By a Muhammedan for exigible dower (mu-ajjal)	do	When the dower is demanded and refused or (where during the continuance of the marriage, no such demand has been made) when the marriage is dissolved by death or divorce

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Description of suits	Period of limitation	Time from which period begins to run
92. By a Muhammadan for deferred dower (muwajjal)	Three years	When the marriage is dissolved by death or divorce
93. By a mortgagor after the mortgage has been satisfied, to recover surplus collections received by the mortgagee	do	When the mortgagor re-enters on the mortgaged property
94. For an account and a share of the profits of a dissolved partnership	do	The date of the dissolution
95. By the manager of a joint estate of an undivided family for contribution in respect of a payment made by him on account of the estate	do	The date of the payment
96. By a lessor for the value of trees cut down by his lessee contrary to the terms of the lease	do	When the trees are cut down
97. For the profits of immovable property belonging to the plaintiff which have been wrongfully received by the defendant	do	When the profits are received
98. For arrears of rent	do	When the arrears become due
99. By a vendor of immovable property for personal payment of unpaid purchase-money	do	The time fixed for completing the sale, or (where the title is accepted after the time fixed for completion) the date of the acceptance

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Description of suits	Period of limitation	Time from which period begins to run
100. For a call by a company registered under any law	Three years	When the call is payable
101. For specific performance of a contract	do	The date fixed for the performance, or, if no such date is fixed, when the plaintiff has notice that performance is refused
102. For the rescission of a contrac	do	When the facts entitling the plaintiff to have the contract rescinded first become known to him
103. Against Government for compensation for land acquired for public purposes when the suit is by a party to the proceedings	do	The date of determining the amount of compensation
104. Like suit for compensation when the acquisition is not completed when the suit is by a party to the proceedings	do	The date of the refusal to complete
105. For compensation for the breach of any contract, express or implied, not in writing registered and not herein specially provided for	do	When the contract is broken or (where there are successive breaches) when the breach in respect of which the suit is instituted occurs, or (where the breach is continuing) when it ceases
	PART VI.	
106. For compensation for the breach of a contract in writing registered	Six years do	When the period of limitation would begin to run against a suit brought on a similar contract not registered

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Description of suits	Period of limitation	Time from which period begins to run
107. Upon a foreign judgment as defined in the Code of Civil Procedure	Six years	The date of the judgment
108. To obtain a declaration that an alleged adoption is invalid, or never in fact took place	do	When all the alleged adoption becomes known to the plaintiff
109. To obtain a declaration that an adoption is valid	do	When the rights of the adopted son as such are interfered with
110. Suit for which no period of limitation is provided elsewhere in this schedule	do	When the right to sue accrues
	PAR V II	
111. Upon a judgment obtained n Cochin, or a recognisance	Twelve years do	The date of the judgment or recognisance
112. For a legacy or for a share of a residue bequeathed by a testator, or for a distributive share of the property of an intestate	do	When the legacy or share becomes payable or deliverable
113. For possession of an hereditary office	do	When the defendant takes possession of the office adversely to the plaintiff. *Explanation.*—An hereditary office is possessed when the profits thereof are usually received, or (if there are no profits) when the duties thereof are usually performed

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Description of suits	Period of limitation	Time from which period begins to run
114. Suit during the life of a Hindu or Muhammadan female by a Hindu or Muhammadan who, if the female died at the date of instituting the suit, would be entitled to the possession of land, to have an alienation of such land made by the female declared to be void except for her life or until her re-marriage	Twelve years	The date of the alienation
115. By a Hindu governed by the law of the Mitakshara or by a member of Malabar Tarwad to set aside his father's or Karnavan's (as the case may be) alienation of ancestral or joint property *Explanation.*—The words "father" and "karnavan" in this article include the manager of a Makkathayam undivided Hindu family or of a Malabar Tarwad for the time being	do	When the alienee takes possession of the property
116. By a person excluded from joint family property *to enforce a right to share therein*	do	When the exclusion becomes known to the *plaintiff*
117. *By a Hindu for arrears of maintenance*	do	When the arrears are payable
118. By a Hindu for a declaration of his right to maintenance	do	When the right is denied
119. To establish a periodically recurring right	do	When the plaintiff is first refused the enjoyment of the right

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Description of suits	Period of limitation	Time from which period begins to run
120. To enforce payment of money, paddy or other agricultural produce of customary dues charged upon immovable property.	Twelve years	When the money, paddy or other agricultural produce or customary dues sued for becomes payable
121. To recover money or paddy charged upon immoveable property payable by instalments, which provides that, if default be made in payment of one or more instalments, the whole shall be due	do	The expiration of the first term of payment as to the part then payable; and for the other parts the expiration of the respective terms of payment; but where after the default and on or before the date on which the last instalment is due the payee or obligee makes a demand in writing for the payment of the whole, and has not, thereafter, waived in writing his right to such payment, then from the date of such demand.
122. To recover movable property conveyed or bequeathed in trust, deposited or pawned, and afterwards transferred by the trustee depository or pawnee for a valuable consideration.	do	When the transferee takes possession of the property
123. To recover possession of immoveable property conveyed or bequeathed in trust or mortgaged and afterwards transferred by the trustee or mortgagee for a valuable consideration.	do	When the transferee takes possession of the property
124. Suit instituted by a mortgagee for possession of immovable property mortgaged	do	When the mortgagor's right to possession determines

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Description of suits	Period of limitation	Time from which period begins to run
125. By a purchaser at a private sale for possession of immovable property sold when the vendor was out of possession at the date of the sale	Twelve years	When the vendor is first entitled to possession
126. Like suit by a purchaser at a sale in execution of a decree, when the judgment-debtor was out of possession at the date of the sale	do	When the judgment-debtor is first entitled to possession
127. Like suit by a purchaser at a sale in execution of a decree, when the judgment-debtor was in possession at the date of the sale	do	The date when the sale becomes absolute
128. By a landlord to recover possession from a tenant	do	When the tenancy is determined
129. By a remainderman, or a reversioner (other than a landlord) or a devisee for possession of immovable property	do	When his estate falls into possession
130. Like suit by a Hindu or Muhammadan entitled to the possession of immoveable property, on the death of a Hindu or Muhammadan female	do	When the female dies
131. For possession of immovable property, when the plaintiff, while in possession of the property, has been dispossessd or has discontinued the possession	do	The date of the dispossession or discontinuance
132. Like suit when the plaintiff has become entitled by reason of any forfeiture or breach of condition	do	When the forfeiture is incurred or the condition is broken

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Description of suits	Period of limitation	Time from which period begins to run
133. For possession of immovable property or any interest therein not hereby otherwise specially provided for	Twelve years	When the possession of the defendant becomes adverse to the plaintiff
	PART VIII	
134. Against a depository or pawnee to recover movable property deposited or pawned	Thirty years	The date of the deposit or pawn
135. By or on behalf of any local authority for possession of any public street or road or any part thereof from which it has been dispossessed or of which it had discontinued the possession	do	The date of the dispossession or discontinuance
	PART IX	
136. By a mortgagee for foreclosure or sale	Sixty years	When the money secured by the mortgage becomes due
137. Against a mortgagee to redeem or to recover possession of immovable property mortgaged	do	When the right to redeem or to recover possession accrues
138. Any suit by or on behalf of Sirkar	do	When the period of limitation would begin to run under this Regulation against a like suit by a private person

SECOND DIVISION: APPEALS.

Description of appeal	Period of limitation	Time from which period begins to run
139. Under the Code of Criminal Procedure, from a sentence of death or imprisonment for life passed by a Sessions Judge	Seven days	The date of the sentence

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Description of appeal	Period of limitation	Time from which period begins to run
140. Under the Code of Civil Procedure, to the Court of a District Judge	Thirty days.	The date of the decree or order appealed against
141. Under the Code of Criminal Procedure, to any Court other than the Chief Court	do	The date of the sentence or order appealed against
142. Under the same Code, to the Chief Court except in the cases provided for by Nos. 139 and 144	Forty-five days	The date of the sentence or order appealed against
143. Under the Code of Civil Procedure, to the Chief Court	do	The date of the decree or order appealed against
144. Under the Code of Criminal Procedure, from a judgment of acquittal	Six months	The date of the judgment appealed against

THIRD DIVISION: APPLICATIONS.

Description of application	Period of limitation	Time from which period begins to run
145. Under the Code of Civil Procedure to set aside an award	Ten days	When the award is filed in court and notice of the filing has been given to the parties
146. For an order under the same Code, to restore to the file an application for review rejected in consequence of the failure of the applicant to appear when the application was called on for hearing	Fifteen days	When the application for review is rejected
147. For a review of judgment in suits tried as small causes	do	The date of the decree or order
148. By a plaintiff, for an order to set aside a dismissal for default of appearance or for failure to pay costs of service of process or to furnish security for costs	Thirty days	The date of the dismissal
149. By a defendant, for an order to set aside a decree passed ex parte	do	The date of the decree or where the summons was not personally served, when the applicant has knowledge of the decree

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Description of application	Period of limitation	Time from which period begins to run.
150. Under the Code of Civil Procedure, by a person dispossessed of immoveable property and disputing the right of the decree-holder or purchaser at a sale in execution of a decree to be put into possession.	Thirty days	The date of the dispossession.
151. Under the same Code to set aside a sale in execution of a decree (including any such application by a judgment- debtor).	do	The date of the sale.
152. Complaining of resistence or obstruction to delivery of possession of immovable property decreed or sold in execution of a decree.	do	The date of the resistence or obstruction,
153. For the re-admission of an appeal dismissed for want of prosecution.	do	The date of the dismissal.
154. For the re-hearing of an appeal heard ex parte.	do	The date of the decree in appeal or, where notice of the appeal was not personally served when the applicant has knowledge of the decree.
155. For leave to appeal as a pauper.	do	The date of the decree appealed from.

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Description of application	Period of limitation	Time from which period begins to run.
156. Under the Code of Civil Procedure for an order to set aside an abatement.	Sixty days	The date of the abatement.
157. Under the same Code by the assignee or the receiver of an insolvent plaintiff or appellant for an order to set aside the dismissal of a suit or an appeal.	do	The date of the order of dismissal.
158. For a review of judgment except in cases provided for by Article 147.	Ninety days	The date of the decree or order.
159. For the issue of a notice under the same Code, to show cause why any payment made out of court of any money payable under a decree or any adjustment of the decree should not be recorded as certified.	do	When the payment or adjustment is made.
160. Under the same Code to have the legal representative of a deceased plaintiff or of a deceased appellant made a party.	do	The date of the death of the deceased plaintiff or appellant.
161. Under the same Code to have the legal representative of a deceased defendant or of a deceased respondent made a party.	do	The date of the death of the deceased defendant or respondent.

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Description of application	Period of limitation	Time from which period begins to run.
162. Under the same Code for the filing in court of an award in a suit made in any matter referred to arbitration by order of the court, or of an award made in any matter referred to arbitration without the intervention of a court.	Six months	The date of the award.
163. For payment of the amount of a decree by instalments.	do	The date of the decree.
164. By a purchaser of immoveable property at a sale in execution of a decree for delivery of possession.	Three years	When the sale becomes absolute.
165. Applications for which no period of limitation is provided elsewhere in this schedule or by section 40 of the Code of Civil Procedure.	do	When the right to apply accrues.
166. For the execution of a decree or order of any Court not provided for by the Code of Civi Procedure, section 40.	Three years or where a certified copy of the decree or order has been registered six years	1. The date of the decree or order; or 2. (Where there has been an appeal) the date of the final decree or order of the Appellate Court; or the withdrawal of the appeal, or

3. (where there has been a review of judgment) the date of the decision passed on the review, or

4. (where the decree has been amended) the date of amendment, or

5. (where the application next hereinafter mentioned has been made) the date of the final order passed on an application made in accordance with law to the proper court for execution, or to take some step in-aid of execution of the decree or order, or

6. (in respect of any amount, recovered by execution of the decree or order, which the decree-holder has been directed to refund by a decree passed in a suit for such refund) the date of such last mentioned decree or, in the case of an appeal therefrom, the date of the final decree of the Apellate Court or of the withdrawal of the appeal,

7. (where the application is to enforce any payment which the decree or order directs to be made at a certain date) such date.

Explanation I.—Where the decree or order has been passed severally in favour of more persons than one, distinguishing portions of the subject matter as payable or deliverable to each, the application mentioned in clause 5 of this article shall take effect in favour only of such of the said persons or their representatives as it may be made by. But where the decree or order has been passed jointly in favour of more persons than one, such application if made by any one or more of them, or by his or their representatives, shall take effect in favour of them all.

Where the decree or order has been passed severally against more persons than one distinguishing prortions of the subject matter as payable or deliverable by each, the application shall take effect against only such of the said persons or their representatives as it may be made against. But where the decree or order has been passed jointly against more persons than one, the application, if made against any one or more of them, or against his or their representatives, shall take effect against them all.

Explanation II. —"Proper Court" means the court whose duty it is to execute the decree or order.

THE SECOND SCHEDULE.

Enactments repealed.

(See Section 32).

Year	Number	Short title	Extent of repeal
1079	II	The Cochin Limitation Regulation, 1079	The whole
1093	X	The Cochin Limitation Amendment Regulation	do
1097	V	do	do
1100	III	do	do
1096	X	The Cochin Probate and Administration Regulation	Section 154

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